



Rep. Robin Kelly

Filed: 4/6/2005

09400HB2417ham002

LRB094 09178 JAM 44391 a

1 AMENDMENT TO HOUSE BILL 2417

2 AMENDMENT NO. _____. Amend House Bill 2417 on page 1, in
3 line 6 by replacing "and 22-18" with "22-18, and 23-23"; and

4 on page 28, by inserting below line 34 the following:

5 "(10 ILCS 5/23-23) (from Ch. 46, par. 23-23)

6 Sec. 23-23. The case shall be tried in like manner as other
7 civil cases, and may be heard and determined by the court at
8 any time not less than 10 days after service of process, or at
9 any time after the defendant is required by notification to
10 appear, and shall have preference in the order of hearing to
11 all other cases. The court may make and enforce all necessary
12 orders for the preservation and production of the ballots, poll
13 books, tally papers, returns, registers and other papers or
14 evidence that may bear upon the contest.

15 Whenever a petition for a recount has been filed as
16 provided in this Article, any opposing candidate or any
17 elector, under like provisions and in like manner may file a
18 petition within 10 days after the completion of the canvass of
19 the precincts specified in the petition for a further recount
20 of the votes cast in any or all of the balance of the precincts
21 in the county, municipality or other political subdivision, as
22 the case may be.

23 In event the court, in any such case, is of the opinion
24 that such action will expedite hearing and determination of the

1 contest, the court may ~~appoint a Board of Election~~
2 ~~Commissioners or a Canvassing Board, as the case may be, and~~
3 refer the case to the election authority ~~it~~ to recount the
4 ballots, to take testimony and other evidence, to examine the
5 election returns, to make a record of all objections to be
6 heard by the court that may be made to the election returns or
7 to any of them or to any ballots cast or counted, and to take
8 all necessary steps and do all necessary things to determine
9 the true and correct result of the election and to make report
10 thereof to the court. The election authority ~~Such Board of~~
11 ~~Election Commissioners or Canvassing Board, as the case may be,~~
12 shall have authority to count the ballots or cause the same to
13 be counted under its supervision and direction, to conduct such
14 hearing or hearings as may be necessary and proper, to apply to
15 the court in the manner provided by law for the issuance of
16 subpoenas or for any other appropriate order or orders to
17 compel the attendance of witnesses, and to take such steps and
18 perform such duties and acts in connection with the conduct of
19 any such hearing or hearings as may be necessary. The election
20 authority ~~Such Board of Election Commissioners or Canvassing~~
21 ~~Board, as the case may be,~~ may, with the approval of the court,
22 employ such assistants as may be necessary and proper to
23 provide for counting the ballots, examining the election
24 returns and for taking all necessary steps and doing all
25 necessary things to determine the true and correct result of
26 the election under the direction and supervision of the
27 election authority ~~Board of Election Commissioners or the~~
28 ~~Canvassing Board, as the case may be.~~ The election authority
29 ~~Such Board of Election Commissioners or the Canvassing Board,~~
30 ~~as the case may be,~~ shall receive such compensation for its
31 services and such allowances for the services of its assistants
32 and for reimbursement of expenses incurred by it as shall be
33 approved by the court, and all such compensation and allowances
34 when approved by the court shall be taxed and allowed as costs

1 in such cause. The court may from time to time, upon the
2 court's own motion or upon the application of the election
3 authority ~~Board of Election Commissioners or the Canvassing~~
4 ~~Board, as the case may be,~~ or of any party to said cause,
5 require the parties to the cause or any of them to deposit such
6 amounts of money with the court as security for costs as the
7 court may deem reasonable and proper.

8 Any petitioner may amend his petition at any time before
9 the completion of the recount by withdrawing his request for a
10 recount of certain precincts, or by requesting a recount of
11 additional specified precincts. The petitioner shall deposit
12 or shall cause to be deposited, such amounts of money as the
13 court may require as security for costs for such additional
14 precincts as the court may deem reasonable and proper.

15 Any money deposited as security for costs by a petitioner
16 contesting an election must be returned to such petitioner if
17 the judgment of the court is to annul the election or to
18 declare as elected someone other than the person whose election
19 is contested.

20 Any money deposited as security for costs by a petitioner
21 in opposition to a petition contesting an election must be
22 returned to such petitioner if the judgment of the court is to
23 confirm the election or to declare as elected the person whose
24 election is contested.

25 (Source: P.A. 78-255; 78-891; 78-1297.)".